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**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:08-cv-04248-SC**

Sierra Club v. United States Department of Agriculture et al
Assigned to: Hon. Samuel Conti
Cause: 05:552 Freedom of Information Act

Date Filed: 09/09/2008
Date Terminated: 04/07/2010
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: Federal Question

Plaintiff

Sierra Club

represented by **Howard M. Crystal**
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V.

Defendant

**United States Department of
Agriculture**

represented by **Michael Thomas Pyle**
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Defendant

Rural Utilities Services

Defendant

Brazos Electric Power Cooperative, Inc.

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V.

Intervenor Dft

East Kentucky Power Cooperative, Inc.

represented by **David Arthur Smart ,**

East Kentucky Power Cooperative, Inc.

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Winchester, KY 40391

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Date Filed	#	Docket Text
09/09/2008	<u>1</u>	COMPLAINT against United States Department of Agriculture, Rural Utilities Services (Filing fee \$ 350, receipt number 34611023238.). Filed bySierra Club. (ga,

		COURT STAFF) (Filed on 9/9/2008) (Entered: 09/11/2008)
09/09/2008	<u>2</u>	Summons Issued as to United States Department of Agriculture, Rural Utilities Services, U.S. Attorney and U.S. Attorney General (ga, COURT STAFF) (Filed on 9/9/2008) (Entered: 09/11/2008)
09/09/2008	<u>3</u>	Disclosure Statement re <u>1</u> Complaint filed bySierra Club. (ga, COURT STAFF) (Filed on 9/9/2008) (Entered: 09/11/2008)
09/09/2008	<u>4</u>	ADR SCHEDULING ORDER: Case Management Statement due by 12/10/2008. Case Management Conference set for 12/17/2008 10:30 AM.. Signed by Judge James Larson on 9/9/08. (Attachments: # <u>1</u> Judge Standing Order, # <u>2</u> Court Standing Order, # <u>3</u> Consent/Decline FOrm)(ga, COURT STAFF) (Filed on 9/9/2008) (Entered: 09/11/2008)
09/09/2008	<u>5</u>	MOTION for attorney William S.Eubanks II leave to appear in Pro Hac Vice (Filing fee \$ 210, receipt number 34611023239.) filed by Sierra Club. (ga, COURT STAFF) (Filed on 9/9/2008) (Additional attachment(s) added on 9/11/2008: # <u>1</u> Application for PHV) (ga, COURT STAFF). (Entered: 09/11/2008)
09/09/2008	<u>6</u>	MOTION for Howard Crystal leave to appear in Pro Hac Vice (Filing fee \$ 210, receipt number 34611023239.) filed by Sierra Club. (Attachments: # <u>1</u> Proposed Order)(ga, COURT STAFF) (Filed on 9/9/2008) (Entered: 09/11/2008)
09/15/2008	<u>7</u>	ORDER by Judge James Larson Granting Admission <u>6</u> Motion for Pro Hac Vice (jlsec, COURT STAFF) (Filed on 9/15/2008) (Entered: 09/16/2008)
09/15/2008	<u>8</u>	ORDER by Judge James Larson Granting Admission <u>5</u> Motion for Pro Hac Vice (jlsec, COURT STAFF) (Filed on 9/15/2008) (Entered: 09/16/2008)
09/23/2008	<u>9</u>	Summons Issued as to United States Department of Agriculture, Rural Utilities Services, U.S. Attorney and U.S. Attorney General (ga, COURT STAFF) (Filed on 9/23/2008) (Entered: 09/23/2008)
10/03/2008	<u>10</u> <u>0</u>	Declination to Proceed Before a U.S. Magistrate Judge by United States Department of Agriculture. (Pyle, Michael) (Filed on 10/3/2008) (Entered: 10/03/2008)
10/06/2008	<u>11</u> <u>1</u>	CLERK'S NOTICE of Impending Reassignment to U.S. District Judge (wh, COURT STAFF) (Filed on 10/6/2008) (Entered: 10/06/2008)
10/06/2008	<u>12</u> <u>2</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Hon. Samuel Conti for all further proceedings. Judge Magistrate Judge James Larson no longer assigned to the case.. Signed by Executive Committee on 10/6/08. (as, COURT STAFF) (Filed on 10/6/2008) (Entered: 10/06/2008)

10/07/2008	<u>1</u> <u>3</u>	CLERKS NOTICE Case Management Conference set for 12/19/2008 10:00 AM. (tdm, COURT STAFF) (Filed on 10/7/2008) (Entered: 10/07/2008)
10/24/2008	<u>1</u> <u>4</u>	ANSWER to Complaint byUnited States Department of Agriculture. (Pyle, Michael) (Filed on 10/24/2008) (Entered: 10/24/2008)
10/29/2008	<u>1</u> <u>5</u>	MOTION to Amend/Correct <u>1</u> Complaint filed by Sierra Club. Motion Hearing set for 12/19/2008 10:00 AM in Courtroom 1, 17th Floor, San Francisco. (Attachments: # <u>1</u> Amended Complaint, # <u>2</u> Declaration of Patrick Gallagher, # <u>3</u> Proposed Order Proposed Order)(Eubanks, William) (Filed on 10/29/2008) (Entered: 10/29/2008)
10/30/2008	<u>1</u> <u>6</u>	AFFIDAVIT of Service for Complaint and Summons served on U.S. Attorney for the Northern District of California; U.S. Attorney General; U.S. Dept. of Agriculture; and Rural Utilities Service on September 29, 2008 through October 1, 2008, filed by Sierra Club. (Attachments: # <u>1</u> Recipts of Service)(Eubanks, William) (Filed on 10/30/2008) (Entered: 10/30/2008)
11/14/2008	<u>1</u> <u>7</u>	MOTION to Intervene <i>and Memorandum of Points and Authorities</i> filed by Brazos Electric Power Cooperative, Inc.. Motion Hearing set for 12/19/2008 10:00 AM in Courtroom 1, 17th Floor, San Francisco. (Attachments: # <u>1</u> Answer of Intervening Defendant Brazos Electric Power Cooperative, Inc., # <u>2</u> Declaration of Hugh Lenox, # <u>3</u> Proposed Order)(Goldberg, James) (Filed on 11/14/2008) (Entered: 11/14/2008)
11/14/2008	<u>1</u> <u>8</u>	MOTION to Change Venue filed by Brazos Electric Power Cooperative, Inc.. Motion Hearing set for 12/19/2008 10:00 AM in Courtroom 1, 17th Floor, San Francisco. (Attachments: # <u>1</u> Declaration of Hugh Lenox, # <u>2</u> Proposed Order)(Goldberg, James) (Filed on 11/14/2008) (Entered: 11/14/2008)
11/21/2008	<u>1</u> <u>9</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options <i>for Sierra Club</i> (Eubanks, William) (Filed on 11/21/2008) (Entered: 11/21/2008)
11/21/2008	<u>2</u> <u>0</u>	NOTICE of need for ADR Phone Conference (ADR L.R. 3-5 d) (Eubanks, William) (Filed on 11/21/2008) (Entered: 11/21/2008)
11/21/2008	<u>2</u> <u>1</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Pyle, Michael) (Filed on 11/21/2008) (Entered: 11/21/2008)
11/24/2008	<u>2</u> <u>2</u>	Statement of Non-Opposition re <u>15</u> MOTION to Amend/Correct <u>1</u> Complaint MOTION to Amend/Correct <u>1</u> Complaint filed byUnited States Department of Agriculture. (Related document(s) <u>15</u>) (Pyle, Michael) (Filed on 11/24/2008) (Entered: 11/24/2008)
11/24/2008	<u>2</u> <u>3</u>	Statement of Non-Opposition re <u>18</u> MOTION to Change Venue filed byUnited States Department of Agriculture. (Related document(s) <u>18</u>) (Pyle, Michael) (Filed on 11/24/2008) (Entered: 11/24/2008)

11/24/2008	<u>2</u> <u>4</u>	Statement of Non-Opposition re <u>17</u> MOTION to Intervene <i>and Memorandum of Points and Authorities</i> filed by United States Department of Agriculture. (Related document(s) <u>17</u>) (Pyle, Michael) (Filed on 11/24/2008) (Entered: 11/24/2008)
11/26/2008	<u>2</u> <u>5</u>	STIPULATION AND [PROPOSED] ORDER by Parties to File Amended Complaint by Sierra Club. (Attachments: # <u>1</u> Amended Complaint)(Eubanks, William) (Filed on 11/26/2008) Modified on 12/2/2008 (aaa, Court Staff). (Entered: 11/26/2008)
11/26/2008	<u>2</u> <u>6</u>	Memorandum in Opposition to Brazos' <u>17</u> Motion to Intervene filed by Sierra Club. (Attachments: # <u>1</u> Proposed Order)(Eubanks, William) (Filed on 11/26/2008) Modified on 12/2/2008 (aaa, Court Staff). (Entered: 11/26/2008)
11/26/2008	<u>2</u> <u>7</u>	Memorandum in Opposition to Brazos' <u>18</u> Motion to Change Venue filed by Sierra Club. (Attachments: # <u>1</u> Affidavit Gallagher Declaration, # <u>2</u> Affidavit Hitt Declaration, # <u>3</u> Letter from Texas Sec. of State, # <u>4</u> Proposed Order)(Eubanks, William) (Filed on 11/26/2008) Modified on 12/2/2008 (aaa, Court Staff). (Entered: 11/26/2008)
12/02/2008	<u>2</u> <u>8</u>	STIPULATION AND ORDER for the Filing of Amended Complaint. Signed by Judge Samuel Conti on 12/2/08. (tdm, COURT STAFF) (Filed on 12/2/2008) (Entered: 12/02/2008)
12/03/2008	<u>2</u> <u>9</u>	MOTION for leave for admission of Attorney Edward D. ("Ed") Burbach to appear in Pro Hac Vice (Filing fee \$ 210.00, receipt number 3461026102.) filed by Brazos Electric Power Cooperative, Inc. (Attachments: # <u>1</u> [Proposed] Order)(aaa, Court Staff) (Filed on 12/3/2008) (Entered: 12/04/2008)
12/05/2008	<u>3</u> <u>0</u>	Reply to Opposition re <u>18</u> MOTION to Change Venue filed by Brazos Electric Power Cooperative, Inc.. (Goldberg, James) (Filed on 12/5/2008) (Entered: 12/05/2008)
12/05/2008	<u>3</u> <u>1</u>	REPLY to Response to Motion re <u>17</u> MOTION to Intervene <i>and Memorandum of Points and Authorities</i> filed by Brazos Electric Power Cooperative, Inc.. (Attachments: # <u>1</u> Proposed Order)(Goldberg, James) (Filed on 12/5/2008) (Entered: 12/05/2008)
12/09/2008	<u>3</u> <u>2</u>	ADR Clerks Notice Setting ADR Phone Conference on 12/15/08 at 2:00 p.m. Please take note that plaintiff's counsel initiates the call to all parties. (tjs, COURT STAFF) (Filed on 12/9/2008) (Entered: 12/09/2008)
12/09/2008	<u>3</u> <u>3</u>	ORDER by Judge Samuel Conti granting <u>29</u> Motion for attorney Edward Burbach to appear Pro Hac Vice (tdm, COURT STAFF) (Filed on 12/9/2008) (Entered: 12/09/2008)
12/12/2008	<u>3</u> <u>4</u>	JOINT CASE MANAGEMENT STATEMENT filed by United States Department of Agriculture. (Pyle, Michael) (Filed on 12/12/2008) (Entered: 12/12/2008)

12/15/2008		ADR Remark: ADR Phone Conference held by HAH on 12/15/08. (tjs, COURT STAFF) (Filed on 12/15/2008) (Entered: 12/17/2008)
12/17/2008	<u>3</u> <u>5</u>	CLERKS NOTICE Case Management Conference set for 12/19/08 is continued to 1/23/2009 10:00 AM. (tdm, COURT STAFF) (Filed on 12/17/2008) (Entered: 12/17/2008)
12/18/2008	<u>3</u> <u>6</u>	Reply to Opposition re <u>18</u> MOTION to Change Venue [<i>Amended to attach Exhibits A and B</i>] filed byBrazos Electric Power Cooperative, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Goldberg, James) (Filed on 12/18/2008) (Entered: 12/18/2008)
12/18/2008	<u>3</u> <u>7</u>	MOTION to Intervene filed by East Kentucky Power Cooperative, Inc.. Motion Hearing set for 2/20/2009 10:00 AM in Courtroom 1, 17th Floor, San Francisco. (Attachments: # <u>1</u> Signature Page (Declarations/Stipulations) Declaration of Robert M. Marshall, # <u>2</u> Answer to Plaintiff's Amended Complaint, # <u>3</u> Proposed Order) (Goldberg, James) (Filed on 12/18/2008) (Entered: 12/18/2008)
12/18/2008	<u>3</u> <u>8</u>	Certificate of Interested Entities by East Kentucky Power Cooperative, Inc. (Goldberg, James) (Filed on 12/18/2008) (Entered: 12/18/2008)
12/19/2008	<u>3</u> <u>9</u>	ORDER by Judge Samuel Conti granting <u>17</u> Motion to Intervene; denying <u>18</u> Motion to Change Venue (sclc2, COURT STAFF) (Filed on 12/19/2008) (Entered: 12/19/2008)
12/22/2008	<u>4</u> <u>0</u>	MOTION for leave for admission of Attorney David A. Smart to appear in Pro Hac Vice (Filing fee \$ 210.00, receipt number 34611026794.) filed by East Kentucky Power Cooperative, Inc.. (Attachments: # <u>1</u> [Proposed] Order)(aaa, Court Staff) (Filed on 12/22/2008) (Entered: 12/23/2008)
12/22/2008	<u>4</u> <u>1</u>	MOTION for leave for admission of Attorney Timothy J. Hagerty to appear in Pro Hac Vice (Filing fee \$ 210.00, receipt number 34611026794.) filed by East Kentucky Power Cooperative, Inc.. (Attachments: # <u>1</u> [Proposed] Order)(aaa, Court Staff) (Filed on 12/22/2008) (Additional attachment(s) added on 12/23/2008: # <u>2</u> HagertyApplication) (aaa, Court Staff). (Entered: 12/23/2008)
12/23/2008	<u>4</u> <u>2</u>	Statement of Non-Opposition to <i>East Kentucky Power Cooperative Inc.'s</i> <u>37</u> <i>Motion to Intervene</i> filed byUnited States Department of Agriculture. (Pyle, Michael) (Filed on 12/23/2008) Modified on 12/24/2008 (aaa, Court Staff). (Entered: 12/23/2008)
01/07/2009	<u>4</u> <u>3</u>	ORDER by Judge Samuel Conti granting <u>40</u> Motion for Attorney David Smart to Appear Pro Hac Vice (tdm, COURT STAFF) (Filed on 1/7/2009) (Entered: 01/07/2009)

01/07/2009	4 4	ORDER by Judge Samuel Conti granting 41 Motion for Attorney Timothy Hagerty to Appear Pro Hac Vice (tdm, COURT STAFF) (Filed on 1/7/2009) (Entered: 01/07/2009)
01/08/2009	4 5	ANSWER to Complaint <i>Plaintiff Sierra Club's First Amended Complaint</i> byUnited States Department of Agriculture. (Pyle, Michael) (Filed on 1/8/2009) (Entered: 01/08/2009)
01/09/2009	4 6	STIPULATION and [PROPOSED] ORDER <i>To Reschedule Initial Case Management Conference From January 23, 2009 to May 29, 2009</i> by Sierra Club. (Eubanks, William) (Filed on 1/9/2009) Modified on 1/13/2009 (aaa, Court Staff). (Entered: 01/09/2009)
01/09/2009	4 7	ANSWER to Complaint of <i>Intervening Defendant</i> byBrazos Electric Power Cooperative, Inc.. (Attachments: # 1 Certificate of Service)(Goldberg, James) (Filed on 1/9/2009) (Entered: 01/09/2009)
01/13/2009	4 8	Statement of Non-Opposition re 37 MOTION to Intervene filed bySierra Club. (Related document(s) 37) (Eubanks, William) (Filed on 1/13/2009) (Entered: 01/13/2009)
01/14/2009	4 9	STIPULATION AND ORDER Initial Case Management Conference set for 1/23/09 is continued to 5/29/2009 10:00 AM.. Signed by Judge Samuel Conti on 1/13/09. (tdm, COURT STAFF) (Filed on 1/14/2009) (Entered: 01/14/2009)
02/23/2009	5 0	ORDER by Judge Samuel Conti granting 37 Motion to Intervene (sclc2, COURT STAFF) (Filed on 2/23/2009) (Entered: 02/23/2009)
02/24/2009	5 1	Answer to Amended Complaint byEast Kentucky Power Cooperative, Inc.. (Attachments: # 1 Certificate of Service)(Goldberg, James) (Filed on 2/24/2009) (Entered: 02/24/2009)
05/07/2009	5 2	STIPULATION and [Proposed] Order to Continue Case Management Conference by United States Department of Agriculture. (Pyle, Michael) (Filed on 5/7/2009) (Entered: 05/07/2009)
05/08/2009	5 3	STIPULATION AND ORDER Case Management Conference set for 5/29/09 is continued to 7/10/2009 10:00 AM.. Signed by Judge Samuel Conti on 5/8/09. (tdm, COURT STAFF) (Filed on 5/8/2009) (Entered: 05/08/2009)
05/12/2009	5 4	*** FILED IN ERROR. PLEASE IGNORE. *** ADR Clerks Notice Setting ADR Phone Conference on 5/20/09 at 9:30 a.m. Please note that the ADR office initiates the call to all parties. (sgd, COURT STAFF) (Filed on 5/12/2009) Modified on 5/12/2009 (sgd, COURT STAFF). (Entered: 05/12/2009)

05/12/2009		ADR Remark: A further ADR phone conference has been scheduled for 7/7/09 at 10:00 a.m. (sgd, COURT STAFF) (Filed on 5/12/2009) (Entered: 05/12/2009)
07/01/2009	<u>5</u> <u>5</u>	JOINT CASE MANAGEMENT STATEMENT filed by United States Department of Agriculture. (Pyle, Michael) (Filed on 7/1/2009) (Entered: 07/01/2009)
07/02/2009	<u>5</u> <u>6</u>	STIPULATION and <i>[Proposed] Order to Vacate Case Management Conference and Enter Order Establishing Schedule for Resolution of Case</i> by United States Department of Agriculture. (Pyle, Michael) (Filed on 7/2/2009) (Entered: 07/02/2009)
07/02/2009	<u>5</u> <u>7</u>	STIPULATION AND ORDER: The Case Management Conference set for July 10, 2009 is off calendar. Cross Motions for Summary Judgment will be heard on February 5, 2010 at 10:00 a.m. Signed by Judge Samuel Conti on 7/2/09. (tdm, COURT STAFF) (Filed on 7/2/2009) (Entered: 07/02/2009)
07/07/2009		ADR Remark: ADR Phone Conference held by HAH on 7/7/09. A further ADR Phone Conference has been scheduled for 10/21/09 at 1:00 p.m. (sgd, COURT STAFF) (Filed on 7/7/2009) (Entered: 07/07/2009)
10/29/2009	<u>5</u> <u>8</u>	STIPULATION <i>Stipulated Request and [Proposed] Order to Extend the Briefing Schedule by Sixty (60) Days</i> by United States Department of Agriculture. (Pyle, Michael) (Filed on 10/29/2009) (Entered: 10/29/2009)
10/30/2009	<u>5</u> <u>9</u>	STIPULATION AND ORDER Extending the Briefing Schedule by 60 days. Cross Motions for Summary Judgment will be heard on 4/16/2010 at 10:00 a.m. Signed by Judge Samuel Conti on 10/30/09. (tdm, COURT STAFF) (Filed on 10/30/2009) (Entered: 10/30/2009)
11/16/2009		ADR Remark: A further ADR Phone Conference has been scheduled for 12/14/09 at 2:00 p.m. (sgd, COURT STAFF) (Filed on 11/16/2009) (Entered: 11/16/2009)
01/12/2010	<u>6</u> <u>0</u>	STIPULATION <i>Stipulated Request and [Proposed] Order to Further Extend the Briefing Schedule by Sixty (60) Days</i> by Sierra Club. (Eubanks, William) (Filed on 1/12/2010) (Entered: 01/12/2010)
01/14/2010	<u>6</u> <u>1</u>	STIPULATION AND ORDER extending the briefing schedule and hearing date of Cross Motions for Summary Judgment. The new hearing date for Cross Motions for Summary Judgment is June 18, 2010. Signed by Judge Samuel Conti on 1/14/08. (tdm, COURT STAFF) (Filed on 1/14/2010) (Entered: 01/14/2010)
01/21/2010	<u>6</u> <u>2</u>	NOTICE by United States Department of Agriculture of <i>Unavailability</i> (Pyle, Michael) (Filed on 1/21/2010) (Entered: 01/21/2010)
03/30/2010	<u>6</u>	STIPULATION <i>RE: SETTLEMENT AGREEMENT</i> by United States Department of

	3	Agriculture. (Pyle, Michael) (Filed on 3/30/2010) (Entered: 03/30/2010)
04/07/2010	6 4	STIPULATION <i>Joint Stipulation for Dismissal with Prejudice</i> by United States Department of Agriculture. (Pyle, Michael) (Filed on 4/7/2010) (Entered: 04/07/2010)
04/07/2010	6 5	STIPULATION AND ORDER DISMISSING CASE (tdm, COURT STAFF) (Filed on 4/7/2010) (Entered: 04/07/2010)

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